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UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH  
CENTRAL DIVISION

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STATE OF UTAH, including the UTAH  
SCHOOL AND INSTITUTIONAL TRUST  
LANDS ADMINISTRATION (SITLA), an  
agency of the State of Utah; and EMERY  
COUNTY, a Utah political subdivision,

Plaintiffs,

v.

DEB HAALAND, in her official capacity as  
Secretary of the Interior; DEPARTMENT  
OF THE INTERIOR, an agency of the  
United States of America; TRACY  
STONE-MANNING, in her official  
capacity as Director of the Bureau of Land  
Management; and BUREAU OF LAND  
MANAGEMENT, an agency of the United  
States of America,

Defendants,

and

SOUTHERN UTAH WILDERNESS  
ALLIANCE,

Defendant-Intervenor.

**SCHEDULING ORDER**

Case No. 2:24-cv-00172

District Judge Ted Stewart

Magistrate Judge Daphne A. Oberg

The parties have filed a joint motion for entry of a scheduling order pursuant to DUCivR 7-4(c).<sup>1</sup> The motion is GRANTED and case deadlines are set forth below. These deadlines may not be modified without a court order consistent with Fed. R. Civ. P. 16(b)(4) and DUCivR 83-6.

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<sup>1</sup> (Doc. No. 26.)

## **I. Agency Decision Challenged**

Plaintiffs challenge BLM's October 28, 2022, Decision Record on the San Rafael Desert Travel Management Plan. BLM issued the Decision Record after agreeing to reconsider its designation of a number of routes as part of its settlement agreement in *Southern Utah Wilderness Alliance v. U.S. Bureau of Land Management, et. al.*, Case No. 2:21-cv-0091-DAK-JCB.

## **II. Plaintiffs' Grounds for Challenging the Agency Decision**

Plaintiffs raise claims challenging the agency action based on the following authorities: (1) federal case law, *State of Utah v. Andrus*, 486 F. Supp. 995 (D. Utah 1979); (2) the John D. Dingell, Jr. Conservation, Management, and Recreation Act, 16 U.S.C. § 1132; (3) the "arbitrary and capricious" standard under the Administrative Procedure Act, 5 U.S.C. § 706(2); (4) the Federal Land Policy Management Act, 43 U.S.C. § 1701–18787; (5) the National Environmental Policy Act ("NEPA"), 42 U.S.C. § 4321 *et seq.*; and (6) the settlement agreement reached in *Southern Utah Wilderness Alliance v. U.S. Bureau of Land Management, et. al.*, Case No. 2:21-cv-0091-DAK-JCB.<sup>2</sup>

## **III. Agency's Reasons in Support of Agency Decision**

Federal Defendants deny that BLM's decision and agency action "is arbitrary and capricious, not supported by substantial evidence, or otherwise contrary to law."<sup>3</sup>

Federal Defendants allege the following affirmative defenses: (1) Plaintiffs fail to state a

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<sup>2</sup> (See Compl. for Declaratory and Injunctive Relief, Doc. No. 1.)

<sup>3</sup> (Federal Defs.' Answer, Doc. No. 24.)

claim upon which relief may be granted; (2) Plaintiffs lack standing to bring all or some of their claims; (3) Plaintiffs have failed to properly establish subject matter jurisdiction; and (4) Plaintiffs have failed to demonstrate that all or some of their claims are ripe for judicial review.<sup>4</sup>

Defendant-Intervenor likewise denies that the TMP and DR was arbitrary, capricious or otherwise contrary to law.<sup>5</sup> Defendant-Intervenor also raises the following affirmative defenses: (1) Plaintiffs fail to state a claim upon which relief may be granted for all or some of the claims in the complaint; (2) All or some of Plaintiffs' claims are not justiciable, and (3) Plaintiffs lack standing to assert all or some of the claims in the Complaint.<sup>6</sup>

#### **IV. Filing Dates of Relevant Documents**

- a. Federal Defendants' preparation of the Administrative Record: **July 24, 2024**
- b. Plaintiffs' conferral with Federal Defendants on the contents of the Administrative Record: **August 7, 2024**
- c. Federal Defendants' lodging of the Administrative Record with the Court: **August 21, 2024**
- d. Plaintiffs' Motion to Supplement or Amend the Administrative Record: **August 28, 2024**. If such a motion is filed, the remainder of the schedule

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<sup>4</sup> (*Id.*)

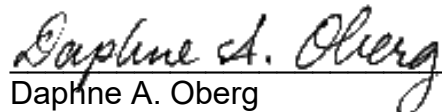
<sup>5</sup> (Def.-Intervenor's Resp. to Pl.'s Compl., Doc. No. 23.)

<sup>6</sup> (*Id.*)

set out below is vacated and parties will submit a new Proposed Scheduling Order within 14 days of the Court's Order on the administrative record motion.

- e. Plaintiffs' Opening Brief: **October 2, 2024**
  - f. Federal Defendants' Response Brief: **November 6, 2024**
  - g. Defendant-Intervenor's Response Brief: **November 20, 2024**. Defendant-Intervenor's Response Brief shall strive to not be duplicative of the Federal Defendants' Response Brief.
  - h. Plaintiffs' Reply Brief: **December 18, 2024**
- DATED this 30th day of May, 2024.

BY THE COURT:

  
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Daphne A. Oberg  
United States Magistrate Judge